

Village of Cold Spring Zoning Board of Appeals
85 Main Street, Cold Spring New York 10516
Phone (845) 265-3611
Continued public hearing

October 16, 2014

Present: Chair, Marie Early; members: John Martin, Ed Murphy; Nancy Tagliafierro, legal counsel for the ZBA.

Members absent: Alison Anthoine, Greg Gunder

Chair M. Early opened the continued public hearing at about 7:02 P.M.

Gary D'Uros 15 Parrott St.

Present with the applicant was Annie Mennes. Chair M. Early reviewed the appeal and the discussion from the last meeting regarding the 6 ft. fence.

Chair M. Early reviewed the findings from the site visit as the following:

- The property does have a steep slope in the rear yard.
- The fence would not deter animals such as deer from coming into the yard.
- The fence from the downhill neighbor would look much higher.
- A child could climb over a 6 ft. fence.

6 ft. fences approved in the past were next to commercial or public buildings.

J. Martin noted title searches don't normally look into whether a fence exceeds local code requirements, and particularly if there is no existing violation issued against the premises.

M. Early reviewed the zoning code which allows for 4 ft. fences.

Mr. D'Urso noted the following:

- There is a hardship due to that he cannot cut the fence down because of the kind of fence it is.
- He thought his fence was in line with regulations when it was installed.
- Understands the reasons for the zoning code pertaining to fences.

Chair M. Early asked the applicant to describe the slope conditions and how it relates to the fence. The applicant responded that from a height perspective the fence changes depending on where you are in the yard.

Ms. Mennes noted that a title search was done and no violations came up in that search. J. Martin noted that title searches don't research local law.

M. Early noted there has been a NYSEDA grant to address 25 points in the village code and one of the points is fences. A discussion ensued over previous discussions of fences.

The escrow money was reviewed and it was noted that out of the \$500.00 over \$400.00 will be returned to the applicant. The deduction in escrow was for 3 legal notices.

It was noted that the Board has 62 days to make a decision.

J. Martin suggested having all Board members present before taking a vote on this application and suggested making a site visit either as a group or independently.

The continued public hearing adjourned at 8:05 P.M. and will continue on November 6, 2014.

The regular meeting opened at 8:05 P.M.

Board business:

The minutes of October 2, 2014 were deferred until the next meeting since two board members were absent.

Planning Board papers: A discussion ensued over the draft papers from the Planning Board Chair and Mike Liquori regarding land use applications. A joint meeting for all board members from the HDRB, ZBA and Planning Board has been scheduled for Wednesday, October 29, 2014. At 7:30 at the Cold Spring fire house to review this draft document.

The Board reviewed possible upcoming applications.

J. Martin moved to adjourn the meeting and E. Murphy seconded the motion. The meeting adjourned at 8:22 P.M.

Marie Early Zoning Board of Appeals Chair

Date